



1047/4

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Patent Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

### Complete if Known

Application Number	09/589,288-Conf. #1519
Filing Date	June 8, 2000
First Named Inventor	Guo-Liang Yu
Examiner Name	B. E. Bunner
Art Unit	1647
Attorney Docket No.	PF343P3C5

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):  
☒ Deposit Account Deposit Account Number: 08-3425 Deposit Account Name: Human Genome Sciences, Inc.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

##### Fee Description

Each claim over 20 (including Reissues)

Small Entity	
Fee (\$)	Fee (\$)
50	25
200	100
360	180

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
-	x	=		Fee (\$)
				Fee Paid (\$)

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
-	x	=	

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
-	100 =	/50	(round up to a whole number) x	

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement 180.00

#### SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	40,302	Telephone	(301) 610-5771
Name (Print/Type)	Kenley K. Hoover	Date	Jan 20, 2006		



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Yu et al.

Docket No.: PF343P3C5

Application No.: 09/589,288

Confirmation No.: 1519

Filed: June 8, 2000

Art Unit: 1647

For: Methods of Treatment Using Antibodies to  
Neurokine-alpha (As Amended)

Examiner: B. E. Bunner

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

01/23/2006 JADD01 00000101 083425 09509288  
01 FC:1006 100.00 DA

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorney for Applicants hereby directs the Examiner's attention to references I1-I5 listed on the attached Form SB/08. Copies of non-U.S. patent references I1-I5 are enclosed.

Identification of the listed references is not to be construed as an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to take appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

The listed references are presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 C.F.R. § 1.104(a) concerning the Examiner's duty to consider and use any such information. Applicants respectfully request that the Examiner make the listed references of record in the file history of the application, and consider the information contained therein during the prosecution of this application.

Pursuant to 37 C.F.R. § 1.97(d), since this Information Disclosure Statement is being filed after the mailing date of a Final Office Action, or a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution, but before payment of the Issue Fee, the

Patent and Trademark Office will consider this Information Disclosure Statement if it is accompanied by a statement as specified in 37 C.F.R. § 1.97(e) and by the fee as specified in 37 C.F.R. § 1.17(p).

The undersigned certifies pursuant to 37 C.F.R. § 1.97(e)(1) that items I1-I3 contained in this Information Disclosure Statement were first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Information Disclosure Statement. In particular, the listed references were cited in a Supplementary European Search Report (item I4) mailed December 20, 2005, in connection with a corresponding international application. Applicants note that International Patent Publication no WO98/18921, which is listed on the Supplementary European Search Report but not on the attached Form SB/08, was already cited to the Patent Office in this case as reference B3 with Applicants' Information Disclosure Statement filed May 3, 2002.

The undersigned further certifies pursuant to 37 C.F.R. § 1.97(e)(2) that item I5 contained in the Form SB/08 submitted herewith was not cited in a communication from a foreign patent office in a counterpart foreign application more than three months prior to the filing of this Information Disclosure Statement. Moreover, to the knowledge of the undersigned, after making reasonable inquiry, item I5 contained in the Form SB/08 submitted herewith was not known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Applicants are submitting I5 to inform the United States Patent and Trademark Office of the status of Opposition Proceedings in Europe against EP Patent No. 1141274 issued to ZymoGenetics, Inc. (ZymoGenetics) in which the claims at issue are related to the claims of the instant application. EP Patent No. 1141274 was opposed by Human Genome Sciences, Inc. (HGS), Corixa Corporation (Corixa), Genentech, Inc. (Genentech) and Biogen Idec Inc. (Biogen) in June of 2004. In June 2005, ZymoGenetics filed a reply to HGS', Corixa's, Genentech's and Biogen's Oppositions in the European Patent Office (EPO). Copies of EP Patent No. 1141274, HGS', Corixa's, Genentech's and Biogen's Oppositions and ZymoGenetics' Reply to the Oppositions were previously submitted to the United States Patent and Trademark Office in conjunction with this application on August 26, 2005. Reference I5, submitted herewith, is HGS' submission to the EPO in reply to ZymoGenetics' March 2005 submission to the EPO. I5 was submitted to the EPO on November 4, 2005.

The Patent & Trademark Office is hereby authorized to charge our Deposit Account No. 08-3425 in the amount of \$180.00 as payment of the required fee, as itemized on the Fee Transmittal Sheet submitted concurrently herewith. The Patent & Trademark Office is also authorized to charge any additional required fee or credit any overpayment in connection with this submission to our Deposit Account No. 08-3425.

Dated: Jan 20, 2006

Respectfully submitted,

By 

Kenley K. Hoover

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Intellectual Property Dept.  
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KKH/MS/ba



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Substitute for form 1449A/B/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				Application Number	09/589,288-Conf. #1519
				Filing Date	June 8, 2000
				First Named Inventor	Guo-Liang Yu
				Art Unit	1647
				Examiner Name	B. E. Bunner
Sheet	1	of	1	Attorney Docket Number	PF343P3C5

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	11	WO-02/18620	03-07-2002	Human Genome Sciences, Inc.		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				T <sup>2</sup>
	12	SCHALLER et al., "Characterization of <i>apxIVA</i> , a new RTX determinant of <i>Actinobacillus pleuropneumoniae</i> ," <i>Microbiology</i> , 145:2105-2116 (1999).				
	13	CHEN et al., "Expression vectors for affinity purification and radiolabeling of proteins using <i>Escherichia coli</i> as host," <i>Gene</i> , 139:73-75 (1994).				
	14	Supplementary European Search Report, European Application No. 02 78 6413, mailed December 20, 2005.				
	15	Human Genome Sciences, Inc.'s Reply filed in the European Patent Office on November 4, 2005 in conjunction with its Opposition of EP Patent No. 1141274 and copies of supporting documents D41-D43.				

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date
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